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7 MARCUS MOORE

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

MARCUS MOORE,

Plaintiff,

v.

BRIDGEPORT FINANCIAL, INC.

Defendant.

Case No.:

COMPLAINT

(Unlawful Debt Collection Practices)

FILED
FEB - 6 2013
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

C13-0523

VERIFIED COMPLAINT

MARCUS MOORE (Plaintiff), by attorneys, KROHN & MOSS, LTD., alleges the following against BRIDGEPORT FINANCIAL, INC. (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).
2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788 et seq. (RFDCPA).

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court

1 without regard to the amount in controversy,” and 28 U.S.C. 1367 grants this court
2 supplemental jurisdiction over the state claims contained therein.

3 4. Defendant conducts business in the State of California, and therefore, personal
4 jurisdiction is established.

5 5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

6 **PARTIES**

7 6. Plaintiff is a natural person residing in Hayward, Alameda County, California.

8 7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to
9 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5)
10 and Cal. Civ. Code § 1788.2(h).

11 8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Cal. Civ.
12 Code §1788.2(c), and sought to collect a consumer debt from Plaintiff.

13 9. Defendant is a national company with an office in San Francisco, California.

14 **FACTUAL ALLEGATIONS**

15 10. In or around November of 2012, Defendant placed collection calls to Plaintiff seeking
16 and demanding payment for a debt.

17 11. Plaintiff’s alleged debt owed arises from transactions for personal, family, and household
18 purposes.

19 12. Defendant called Plaintiff’s telephone number at 510-825-81XX.

20 13. In or around November of 2012, Defendant called Plaintiff and left a voicemail message
21 on Plaintiff’s answering machine. See Exhibit A.

22 14. In the voicemail message, Defendant’s representative, “Roger Young” failed to
23 meaningfully disclose the nature of the call or state that the call was from a debt
24 collector. See Exhibit A.

25 //

1 15. In the voicemail message, Defendant's representative, "Roger Young", directed Plaintiff
2 to call him back at 1-800-817-8565, which is a number that belongs to Defendant. See
3 Exhibit A.

4 16. Defendant is using false, deceptive and misleading means in connection with attempting
5 to collect a debt by not identifying the purpose of its phone calls or that they are an
6 attempt to collect a debt.

7 **COUNT I**
8 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

9 17. Defendant violated the FDCPA based on the following:

- 10 a. Defendant violated §1692e of the FDCPA by using false, deceptive or misleading
11 representation with the collection of the debt.
12 b. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an
13 attempt to collect a debt.
14 c. Defendant violated § 1692e(11) of the FDCPA by failing to disclose that the call
15 was from a debt collector.

16 WHEREFORE, Plaintiff, MARCUS MOORE, respectfully requests judgment be entered against
17 Defendant, BRIDGEPORT FINANCIAL, INC. for the following:

- 18 18. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15
19 *U.S.C. 1692k*,
20 19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
21 *15 U.S.C. 1692k*
22 20. Any other relief that this Honorable Court deems appropriate.

23 **COUNT II**
24 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**
25 **PRACTICES ACT**

21. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as

1 the allegations in Count II of Plaintiff's Complaint.

2 22. Defendant violated the RFDCPA based on the following:

- 3 a. Defendant violated the §1788.17 of the RFDCPA by continuously failing to
4 comply with the statutory regulations contained within the FDCPA, 15 U.S.C. §
5 1692 *et seq.* to wit: Section 1692e.

6 WHEREFORE, Plaintiff, MARCUS MOORE, respectfully requests judgment be entered against
7 Defendant, BRIDGEPORT FINANCIAL, INC. for the following:

8 23. Statutory damages of \$1000.00 pursuant to the Rosenthal Fair Debt Collection Practices
9 Act, *Cal. Civ. Code §1788.30(b)*,

10 24. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection
11 Practices Act, *Cal. Civ Code § 1788.30(c)*, and

12 25. Any other relief that this Honorable Court deems appropriate.

13
14 RESPECTFULLY SUBMITTED,

15 DATED: January 31, 2013

KROHN & MOSS, LTD.

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17 By: _____

18 Ryan Lee
19 Attorney for Plaintiff
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1 **VERIFICATION OF COMPLAINT AND CERTIFICATION**

2 STATE OF CALIFORNIA

3 Plaintiff, MARCUS MOORE, states as follows:

- 4 1. I am the Plaintiff in this civil proceeding.
- 5 2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe
- 6 3. I believe that this civil Complaint is well grounded in fact and warranted by existing
- 7 law or by a good faith argument for the extension, modification or reversal of existing
- 8 4. I believe that this civil Complaint is not interposed for any improper purpose, such as
- 9 to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a
- needless increase in the cost of litigation to any Defendant(s), named in the
- 10 5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
- 11 6. Each and every exhibit I have provided to my attorneys which has been attached to
- 12 this Complaint is a true and correct copy of the original.
- 13 7. Except for clearly indicated redactions made by my attorneys where appropriate, I
- 14 have not altered, changed, modified or fabricated these exhibits, except that some of
- the attached exhibits may contain some of my own handwritten notations.

15 Pursuant to 28 U.S.C. § 1746(2), I, MARCUS MOORE, hereby declare (or certify,

16 verify or state) under penalty of perjury that the foregoing is true and correct.

17 DATE: 12-6-2013

18 Marcus Moore

19 MARCUS MOORE

EXHIBIT A

Hello my name is "Roger Young" I'm with Bridgeport Financial. I have an item that needs your immediate attention. Please call me back at 800-817-8565. Once again this item is uh pending and it needs your attention. Call me back at 800-817-8565.